



NORTH AMERICA SOUTH AMERICA EUROPE ASIA

200 Park Avenue
New York, NY 10166
T +1 (212) 294-6700
F +1 (212) 294-4700

SETH C. FARBER
Partner
212-294-4611
SFarber@winston.com

September 28, 2023

VIA ECF

MEMO ENDORSED

Hon. Sidney H. Stein
United States District Judge
Southern District of New York
500 Pearl Street, Courtroom 23A
New York, NY 10007

Re: United States v. Robert Menendez et al., Case No. 1:23-cr-00490-SHS

Dear Judge Stein:

We write on behalf of defendant Senator Robert Menendez to request that Senator Menendez be excused from appearing personally at the status conference in this case that is scheduled for Monday, October 2, 2023, at 2:30 p.m.

Senator Menendez had his initial appearance and arraignment on the Indictment yesterday before Magistrate Judge Wang. At that initial appearance, Judge Wang excluded time under the Speedy Trial Act through October 2, 2023, and released Senator Menendez on a personal recognizance bond. Immediately afterwards, Senator Menendez returned to Washington, D.C. and has been attending to Senate business.

Federal Rule of Criminal Procedure 43(b)(3) provides that “[a] defendant need not be present” when “[t]he proceeding involves only a conference or hearing on a question of law.” In this instance, because of the need for Senator Menendez to be present in Washington, D.C. on Monday for potential Senate votes and other Senate business, there is particular justification for excusing his personal appearance. Accordingly, Senator Menendez respectfully requests that he be excused from appearing personally at Monday’s conference.

We have conferred with the government, and AUSA Eli Mark has informed us that the government takes no position on this request.

Respectfully,

cc: All counsel (via ECF and Email)

Seth C. Farber

Defendant Robert Menendez's request to be excused from attending the conference on October 2 is granted pursuant to Fed. R. Crim. P. 43(b)(3).

**Dated: New York, New York
September 29, 2023**

SO ORDERED:

Sidney H. Stein, U.S.D.J.